

BEFORE THE  
POLLUTION CONTROL HEARINGS BOARD  
STATE OF WASHINGTON

IN THE MATTER OF  
A-1 AUTO WRECKING,

Appellant,

vs.

PUGET SOUND AIR POLLUTION  
CONTROL AGENCY,

Respondent.

PCHB No. 337

FINDINGS OF FACT,  
CONCLUSIONS AND ORDER

A formal hearing on the appeal of A-1 Auto Wrecking to a Notice of Civil Penalty of \$50.00 for an alleged open-burning violation came on before Board members W. A. Gissberg and James Sheehy, W. A. Gissberg presiding officer, on July 31, 1973, in Seattle, Washington.

Appellant appeared by and through its attorney, John Hallock; respondent appeared by and through its attorney, Keith D. McGoffin.

Having heard the testimony and considered the exhibits and being fully advised, the Board makes the following:

FINDINGS OF FACT

I.

A-1 Auto Wrecking is a sole proprietorship owned by Wilbur Howell and is engaged in the business of stripping cars. Appellant removes the seats, tires, gas tanks, floor mats and other usable parts of the automobile and disposes of the remainder. The stripping work is done by hand. Appellant's place of business is situated at Woodinville, Snohomish County, Washington.

II.

On March 16, 1973, one of respondent's inspectors observed a smoldering fire of two separate car bodies in the yard of appellant's business. He was advised by Mr. Howell that the fires had been caused by an acetylene torch in removing the rear axle from one of the vehicles; that gas was ignited and both cars accidentally caught fire; that appellant's only precaution to prevent fires is by carrying water to put out sparks; that a gas fire cannot be extinguished with water; that although a fire extinguisher was situated in the office some 200 feet distant from the burning vehicles, no attempt was made to put out the fire because the extinguisher would have not done any good; that the fire department was not called.

III.

Section 9.02 of respondent's Regulation I makes it unlawful to cause or allow outdoor fires except on limited, permit-controlled basis. No permit had been issued for the fire.

FINDINGS OF FACT,  
CONCLUSIONS AND ORDER

1 From which the Board makes these:

2 CONCLUSIONS

3 I.

4 Appellant was in violation of Section 9.02 of respondent's  
5 Regulation I by both causing and allowing an outdoor fire prohibited  
6 by respondent's regulation.

7 II.

8 Appellant contends that since the violation was unintentional,  
9 no fine should be assessed. Appellant has made absolutely no attempt  
10 to take reasonably prudent precautions to put out such fires. It is  
11 suggested that he consult with appropriate fire officials to ascertain  
12 what type of equipment will do the job of immediately extinguishing  
13 such fires upon their ignition.

14 III.

15 The civil penalty is warranted and is reasonable.

16 ORDER

17 The appeal is denied and Notice of Civil Penalty No. 747 is  
18 affirmed.

19 DONE at Lacey, Washington this 8th day of August, 1973.

20 POLLUTION CONTROL HEARINGS BOARD

21   
22 W. A. GISSBERG, Member

23   
24 JAMES T. SHEEHY, Member

26 FINDINGS OF FACT,  
27 CONCLUSIONS AND ORDER